

Serial No.: 09/844,740

II. REJECTION OF CLAIMS 37-42 UNDER 35 USC §112, 2ND ¶

Claims 37-42 stand rejected under 35 USC §112, second paragraph, as being indefinite. This rejection is respectfully traversed for at least the following reasons.

In the Office Action, the Examiner asserts that the term "the data" in line 6 of claim 37 is confusing. Specifically, the Examiner indicates that the term may refer to the scramble data in line 2 or the scrambled data in line 5.

Applicants note that claim 37 does not refer to "the data" in line 6. Rather, line 6 simply refers to "data." Applicants respectfully submit that claim 37 is referring to generating the scrambled data by performing a logical operation on the "pseudo-random number sequence and data". Thus, the "data" referred to in line 6 refers neither to the scramble data in line 2 or the scrambled data in line 5. Rather, the "data" in line 6 refers, for example, to input data which is to be scrambled as a result of the logical operation on the pseudo-random number sequence and the input data.

As a result, applicants respectfully submit that claims 37-42 are definite. Withdrawal of the rejection is respectfully requested.

III. REJECTION OF CLAIMS 37-42 UNDER 35 USC §102(b)

Claims 37-42 stand rejected under 35 USC §102(b) based on *Nakamura et al.* (EP 939552 A2). This rejection is respectfully traversed for at least the following reasons.

Applicants note that the present application is a reissue application based on U.S. Patent Number 5,698,394, filed on July 25, 1997. Accordingly, the present reissue application has an effective priority date of at least July 25, 1997.

Nakamura et al. is a European patent application. *Nakamura et al.* was not published until September 1, 1999, or well after the effective priority date of the present application. Thus, *Nakamura et al.* is not a valid §102 reference against the present application. For at least this reason, withdrawal of the rejection is respectfully requested.

During a telephone conversation with the Examiner on August 19, 2002, the undersigned pointed out the above-deficiency in *Nakamura et al.* The Examiner

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requested that the applicants file a written response as contained herein pointing out such deficiency. The Examiner indicated he would further consider the application. Applicants thank the Examiner for such further consideration in advance.

IV. CONCLUSION

Accordingly, all claims 1-42 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

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Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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DATE: August 21, 2002

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to 703 308 7722 on the date shown below to: Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231.



August 21, 2002

DATE

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